

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN DOE,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-cv-30145

UNIVERSITY OF MASSACHUSETTS
AMHERST, LOUIS B. WARD, Assistant
Dean of Students, sued in his individual and
official capacities, PATRICIA CARDOSO-
ERASE, Associate Dean of Students, sued in
her individual and official capacities,
DEBORA D. FERREIRA, Title IX
Coordinator, sued in her individual and official
capacities,

Defendants.

JOINT MOTION FOR ENTRY OF CONFIDENTIALITY STIPULATION
AND TO SEAL CERTAIN DOCUMENTS

The parties have conferred regarding the confidentiality and sealing of student records and the potential applicability of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. Part 99 *et seq.*, to certain documents and information to be filed in this civil action. All parties consent to the filing of this Motion and join in respectfully requesting that the Court enter the Joint Stipulation and Proposed Order attached hereto as Exhibit A.

Respectfully Submitted,

/s/Patricia M. Hamill

Patricia M. Hamill

/s/Lorie K. Dakessian

Lorie K. Dakessian

CONRAD O'BRIEN P.C.

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Attorneys for Plaintiff

/s/Jean Marie Kelley

Jean Marie Kelley

University of Massachusetts

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Attorneys for Defendants

/s/Michael R. Schneider
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Good Schneider Cormier & Fried
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Attorney for Plaintiff

Dated: November 3, 2017

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served today via the Court's ECF filing system upon:

Jean Marie Kelly
Office of General Counsel
University of Massachusetts
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Attorneys for Defendants

Respectfully submitted,

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Attorneys for Plaintiff John Doe

Dated: November 3, 2017

Exhibit A

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her individual and official capacities,
DEBORA D. FERREIRA, Title IX
Coordinator, sued in her individual and official
capacities,

Defendants.

JOINT STIPULATION AND PROPOSED ORDER

AND NOW, this _____ day of _____, 2017, it appearing that:

1. On October 18, 2017, this Court issued an Order allowing Plaintiff in this lawsuit to proceed by pseudonym “John Doe” (ECF Doc. 15); and
2. The Order also permitted the parties to use the pseudonym “Jane Roe” to refer to the complainant in the underlying disciplinary proceeding (*Id.*); and
3. The Order also permitted the parties to use pseudonyms to refer to student witnesses involved in the underlying disciplinary proceeding (*Id.*); and
4. Additionally, the Family and Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. Part 99 *et seq.* (“FERPA”), may affect the parties’ ability to publicly disclose certain confidential education records or portions of those records; and
5. Good cause exists to order that documents and information, when filed with the Court, be filed without any personally identifying information pertaining to any student, including plaintiff, and that it be filed in a nonpublic manner; and
6. Notwithstanding the use of pseudonyms, the parties recognize that information contained in the University’s investigation materials, and additional materials that may be attached

to and/or referenced in future court filings, may reflect information that could lead to the discovery of the identities of John Doe, Jane Roe, and other students involved in this matter; and

7. John, Jane Roe, and all students involved in the underlying disciplinary investigation have a substantial privacy right which outweighs the public's interest in this litigation and the customary presumption of openness in judicial proceedings; and

8. Maintaining the confidentiality of all identities will protect the privacy and reputational interests of all individuals involved and protects information that falls under the Family Educational Rights and Privacy Act; and

9. All parties to this civil action having so stipulated;

It is **ORDERED** that:

1. Documents filed with the Court by any party to this action shall be **REDACTED** to remove all personally identifiable information pertaining to any student and information which could reasonably be used to identify any student, and shall be filed **UNDER SEAL**.

2. Any documents filed by the parties in this matter that include identifying information as described in Paragraph 1 of this Order shall be filed and kept **UNDER SEAL**, with a courtesy copy of the documents filed under seal provided to all other counsel and to the Court, with a clear header or footer on each page labeling the documents as **CONFIDENTIAL**.

3. Before the commencement of formal discovery in this matter, the parties shall meet and confer in good faith regarding further confidentiality terms governing information exchanged in this civil action, including confidential educational records that may implicate FERPA obligations and restrictions.

/s/ Patricia M. Hamill

Patricia M. Hamill

/s/ Lorie K. Dakessian

Lorie K. Dakessian

CONRAD O'BRIEN P.C.

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Philadelphia, PA 19102

Attorneys for Plaintiff

/s/ Jean Marie Kelley

Jean Marie Kelley

University of Massachusetts

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Attorneys for Defendants

/s/ Michael R. Schneider

Michael R. Schneider, Esq.

(Mass. Bar No. 446475)

Good Schneider Cormier & Fried

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BY THE COURT:

U.S.D.J. Mark G. Mastroianni